

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff,</p> <p>vs.</p> <p>SALVADOR RAMIREZ, MIGUEL ANGEL CHAVEZ, and HENRY MACIAS MEDINA,</p> <p>Defendants.</p>	<p>MEMORANDUM DECISION AND ORDER DENYING THIRD TRIAL CONTINUANCE</p> <p>Case No. 2:09-CR-784 TS</p>
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Defendant Ramirez moves to continue trial because of recently produced discovery. Counsel contends that he needs to discuss matters with his client and needs adequate time to prepare for trial. Counsel did not say how long a continuance is requested, but proffers that his client waives speedy trial rights until August 30, 2010. Defendant also requests that the trial be moved to Washington County. The government does not object to a continuance.

Having considered all of the factors set forth in 18 U.S.C. § 3161(h)(7)(B), the Court finds as follows: Trial is currently set for May 11, 2010, in Salt Lake City. Less than a month ago, a status conference was held and all counsel appeared. At that status

conference, the Court set a discovery turnover deadline and discussed pending evidentiary issues with counsel.

Three of the defendants in this seven-defendant case remain for trial. Regardless of whether or not it is continued, this multi-defendant trial will be held in Salt Lake City.

Trial has already been continued twice. Once because the case was complex due to the number of defendants and also because counsel needed additional time to investigate and meet with their clients.¹ The second continuance was based on a number of factors, including the need to obtain all discovery materials from the government, the need to meet with clients, the need to assess other defendants' plea agreements, and the complexity of the case.² Thus, there has been adequate time for counsel to meet with defendants and begin preparation for trial.

There is a full month remaining for final preparation before trial. In light of the two prior continuances, Defendant Ramirez has not shown that, under these circumstances, the denial of the requested continuance will deny his counsel the time necessary for effective trial preparation taking into account due diligence. It is therefore


¹Docket No. 108.

²Docket No. 130.

ORDERED that Defendant Ramirez' Motion to Continue Trial (Docket No. 155) is DENIED and the final pretrial conference and the jury trial will proceed as previously set.

DATED April 8, 2010.

BY THE COURT:



TED STEWART
United States District Judge